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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,572	10/10/2000	Thomas James Dubil	US000183	4775

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EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/686,572

Applicant(s)

DUBIL ET AL.

Examiner

Nhon (Gary) D Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, the phrase "a corresponding control code" should be changed to --the corresponding control code--.

As per claim 8, the phrase "a mark-up language format" should be changed to --the mark-up language format--.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitani (US 6,466,233).

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As per independent claim 1, Mitani teaches a method of providing, in a mark-up language format, data representative of a control code for installation on a control device (col. 4, lines 19-24).

As per claim 2, which is dependent on claim 1, Mitani teaches the data is provided via a data network (col. 4, lines 9-15).

As per claim 3, which is dependent on claim 1, Mitani teaches:

Enabling a user to specify to a server on the network an apparatus for being controlled by the control device; and enabling the server to identity a corresponding control code for being provided as the data in the mark-up language format (col. 3, lines 30-39 and col. 5, lines 19-67 through col. 6, lines 1-48).

As per claim 4, which is dependent on claim 1, Mitani teaches the control code is part of an EPG (fig. 9 and col. 4, lines 14-25).

As per claim 5, which is dependent on claim 1, Mitani teaches supplying a GUI element for use on the control device, the GUI element being supplied as further data in the mark-up language format (fig. 2; col. 4, lines 48-60).

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As per claim 6, which is dependent on claim 5, Mitani teaches the GUI element comprises a graphical representation of a remote control device (fig. 9; col. 6, lines 66-67 through col. 7, lines. 1-19).

As per independent claim 7, Mitani teaches a remote control device suitable for receiving data in a mark-up language format for being installed on the device as a control code for control of CE equipment (col. 4, lines 9-24).

As per claim 8, which is dependent on claim 7, Mitani teaches a display monitor and being suitable for receipt of a GUI element in a mark-up language format (fig. 3; *display panel* 22; col. 5, lines 1-13).

As per independent claim 9, Mitani teaches a data base for control codes for controlling apparatus through a control device, the data base comprising the control codes formatted in a mark-up language (fig. 3; *HTML storage unit 32*; col. 5, lines 1-13).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitani in view of Elliott et al ("Elliott", US 6,431,875).

As per independent claim 10, Mitani discloses a control code for control of CE equipment and for being supplied in an HTML format (col. 4, lines 9-24). Mitani does not disclose a control code for control of CE equipment and for being supplied in an XML format. However, Elliott discloses both HTML and XML are markup language tags (col. 12, lines 45-46). It would have been obvious to an artisan at the time of the invention to use the teaching from Elliott of using XML in place of HTML in Mitani's system since both are markup language tags and they can be used interchangeably.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6466971 B1 to Humpleman, Richard et al. discloses method and system for device to device command and control in a network.

US 6446192 B1 to Narasimhan, Subram et al. discloses remote monitoring and control of equipment over computer networks using a single web interfacing chip.

US 6374296 B1 to Lim, Hoon Chiat et al. discloses method and system for providing cross-platform remote control and monitoring of facility access controller.

*Inquiries*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen  
May 5, 2003

*Kristine Kincaid*  
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